

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-070857
		TRIAL NO. B-9307212
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
JAMES DOAN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant James Doan appeals the trial court's judgment adjudicating him a sexual predator. In 1994, Doan was convicted of murder² and child endangering.³ The trial court sentenced Doan to consecutive prison terms of 15 years to life for the murder and to five to 15 years for the child endangering. In 2007, following a sex-offender classification hearing, the trial court adjudicated Doan a sexual predator.

Under former R.C. 2950.01(E), in effect at the time of Doan's predator adjudication, a sexual predator was a person who had been convicted of or pleaded guilty to committing a sexually oriented offense and was likely to engage in the future in another sexually oriented offense.⁴ Murder, if committed with a sexual motivation, was a sexually oriented offense.⁵

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² R.C. 2903.02.

³ R.C. 2919.22.

⁴ Former R.C. 2950.01 was repealed by Am.Sub.S.B. No. 10, effective Jan. 1, 2008.

⁵ Former R.C. 2950.01(D)(1)(c).

At the classification hearing in this case, the trial court relied on its own memory of the 1994 trial over which it had presided; the victim's death record; Doan's statement to police; the trial testimony of Doan, a coroner, and an emergency-room physician; information from the department of corrections, and a report by a court-appointed psychologist.

The state presented evidence at the hearing that the murder victim was a 15-month-old child who had been under Doan's supervision and control at the time of the crime. Following his arrest, Doan had admitted to police that he used to bathe in the nude with the child. In addition to having been scalded in the face and having suffered numerous blunt-force injuries and skull fractures, the victim had sustained multiple contusions and abrasions in the areas of her vagina and her anus. The latter injuries were consistent with sexual abuse. Both physicians concluded that the blunt-force vaginal and anal injuries had been caused by a hard object, and that they had occurred contemporaneously with the victim's other injuries.

Doan was 19 years old at the time of the murder, and while he had been in prison since that time, he had had no sex-offender treatment. In his August 2007 interview with a psychologist, Doan had continued to deny his culpability for the child's murder.

Considering Doan's history of inappropriate contact with the child, as well as the fact that he had brutally tortured the child while sexually abusing her, the trial court concluded that the murder had been committed with a sexual motivation and that Doan was likely to reoffend.

Because the trial court's sexual-predator determination was supported by competent, credible evidence, we will not disturb it.⁶ Consequently, we overrule the assignment of error and affirm the trial court's judgment.

⁶ *State v. Wilson*, 113 Ohio St.3d 382, 2007-Ohio-2202, 865 N.E.2d 1264.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App. R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., PAINTER and HENDON, JJ.

To the Clerk:

Enter upon the Journal of the Court on October 15, 2008
per order of the Court _____.
Presiding Judge

